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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,862	08/02/2001	Tom L. Nguyen	042390P11859	7160

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EXAMINER

VO, TIM T

ART UNIT	PAPER NUMBER
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2112

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,862

Applicant(s)

NGUYEN, TOM L.

Examiner

Tim T. Vo

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 14-28 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 20-28 and 30 is/are allowed.
- 6) ☒ Claim(s) 14, 17 and 19 is/are rejected.
- 7) ☒ Claim(s) 15-16, 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Part III DETAILED ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-7 and 14-30 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14, 17 and 19 are rejected under 35 U.S.C. § **102(b)** as being anticipated by Envoy et al. patent number 5,58,020 referred hereinafter "Envoy".

As for claim 14, Envoy teaches a client device, comprising:

a serial bus port (see figure 1, client devices are 114, 116, 118 are connecting the root hub 111 via USB bus), the serial bus port to be coupled to a host device (see figure 1, client devices such 114, 116, 118 are coupling to the computer system 122);
and

an interrupt logic element coupled to the serial bus port (see figure 1, RAM 106 and column 5 lines 5-17, wherein RAM 106 contains instructions such as polling each clients 114, 116, 118 connecting to the computer system 122 to determine which clients desire to perform transactions over the USB), the interrupt logic element to indicate to

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the client device to enter an interrupt mode in response to the interrupt logic element receiving a set interrupt mode signal (see column 5 lines 5-34, wherein the interrupt logic contains in the RAM 106 for storing programmable instructions such polling clients 114, 116, 118 every 1 ms. Further, the computer system 122 demonstrates the polling operation by sending out the SOF frame interrupt (figure 3) to each clients 114, 116, 118 and each of the client responses to the SOF frame interrupt to indicate whether transaction occurs from the clients 114, 116, 118).

As for claim 17, Envoy teaches a non-interrupt capable interface, the non-interrupt capable interface to be enable when coupling the client device to a non-interrupt capable hub device or a non-interrupt capable host device (see figure 1 and column 2 lines 49-51); and

an interrupt capable interface, the interrupt capable interface to be enable when coupling the client to the interrupt capable hub device and/or interrupt capable host device (see figure 1 and column 5 lines 5-34).

As for claim 19, Envoy teaches the serial bus port comprises a universal serial bus port (see figure 1).

Allowable Subject Matter

3. Claims 1-7, 20-27, 28 and 30 are allowable over the prior of records.
4. Claims 15-16 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

In response to the applicant's arguments that Envoy fails to teach a client device comprising an interrupt logic element to indicated to the client device to enter an interrupt mode in response to the interrupt logic element receiving a set interrupt mode signal. The claim's language does not indicate the interrupt logic is located within the client device but rather the claim's language is an open-ended therefore it allows other elements may added and still form a construct within the scope of the claim. Applicant is well aware that the computer system 122 (Host) contains a RAM 106 for storing programmable instructions and clients are 114, 116, 119 coupling to the root hub 111 via USB bus and also the RAM 106 containing programmable instructions for polling each clients every 1 ms which explained in the office action. The claim is required the RAM 106 coupling to the serial bus port. It does not specifically indicate the interrupt logic is located within the client. Since the claim's language is open-ended and according to the figure 1, Envoy teaches the RAM 106 containing interrupt logic is coupling to the root hub via the USB bus which equivalent to what is claimed.

Under 2111.03 Transitional Phrases of the MPEP indicated "The transitional phrase "Comprising" is a term of art used in claim language which means that the named elements are essential, but other elements may be added and still form a construct within the scope of the claim; *Moleculon Research Corp. v. CBS, Inc.*, 793 F.2d 1261, 229 USPQ 805 (Fed. Cir. 1986); *In re Baxter*, 656 F.2d 679, 686, 210 USPQ 795, 803 (CCPA 1981); *Ex parte Davis*, 80 USPQ 448, 450 (Bd. App. 1948)

("comprising" leaves "the claim open for the inclusion of unspecified ingredients even in major amounts").

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim T. Vo whose telephone number is 703-308-5862. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 703-305-4815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



08/16/04

Tim T. Vo
Primary Examiner
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